



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ownership and Maintenance of Lower Sacramento Road Fence at Towne Ranch, Southwest Quadrant Lower Sacramento Road at Turner Road

MEETING DATE: September 1, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: Review supplemental information concerning the request of Bennett & Compton made on behalf of Towne Ranch Associates, developer of the Towne Ranch subdivision, regarding the reverse frontage fence along Lower Sacramento Road and take appropriate action.

BACKGROUND INFORMATION: The following is a brief recap of the information previously provided to the Council at the August 18 meeting:

The Towne Ranch subdivision, as submitted by the developers and approved by the Planning Commission, includes reverse frontage along Lower Sacramento Road and Turner Road (see Exhibit A). Along the reverse frontage, the developer planned to build a fence or wall along the right-of-way. The design was to be approved by the City and ownership and maintenance responsibilities were to be approved by the City Council.

On July 12, 1993, the Planning Commission approved the design of a red concrete brick fence (a color exhibit was provided with the previous Council Communication). The ownership and maintenance responsibilities were to be decided by the City Council.

In April 1992, staff presented various options to the Council on how to pay for ongoing maintenance of reverse frontage fences. Options included continued City maintenance, establishment of assessment districts, payment of a one-time maintenance fee, or establishment of private maintenance associations. The development community objected to the high cost of districts and associations, particularly if its sole purpose was fence maintenance. Staff was directed to work with the development community to arrive at a mutually agreeable solution.

After a few meetings, a proposal was made by Jeffrey Kirst who was developing the first subdivision (Bangs Ranch) affected by this issue. He offered to pay the City the difference in cost between a masonry fence and the combination masonry/grape stake fence (\$7.00 per lineal foot) if the City would accept the masonry/grape stake fence for ownership and maintenance. This was approved by the Council and has been used for one other subdivision since then. (Note: Since the initial approval, Mr. Kirst has received Planning Commission approval for a solid masonry fence similar to the Towne Ranch fence. Thus, the decision on the Towne Ranch fence will affect other projects as well.)

APPROVED

THOMAS A. PETERSON
City Manager



recycled paper

With the Towne Ranch project using a solid masonry fence and using the above logic, the maintenance fee would be zero. However, there are bound to be some maintenance costs, mainly graffiti abatement and repairs from vehicular accident damage. Staff also intends to purchase small identification markers to place on the property side of the fence describing City ownership and landscape easement information.

Staff felt that the dark color of the proposed fence would discourage graffiti damage and that the appearance of the fence and the lack of other maintenance needs was a reasonable trade-off for graffiti abatement. Costs from vehicular accident damage, therefore, became the main concern. Staff had been provided with an estimate of \$620.00 for repairing one 14-foot panel and one pilaster by the developer's contractor. Using this estimate and assuming a 50-year life, a 2% discount rate, and a repair interval of once every 5 years, an economic analysis was prepared to estimate the appropriate one-time maintenance fee to be collected. Based on this analysis, staff recommended a one-time maintenance fee of \$2.25 per lineal foot be established for the acceptance of masonry reverse-frontage fences.

After some discussion at the August 18 Council meeting, Council expressed concern over the seemingly low maintenance fee and referred the matter back to staff for further study.


Knowing the City would need repair costs on the proposed fence, staff had asked the developer to obtain repair estimates at the same time they obtained quotes on their fence construction. The low bid and second low bid on the masonry fence repair are attached. The lower repair bid, \$620.00 or \$40.00 per lineal foot, was used in our original estimate. Staff conversations with this contractor indicate that he has assumed that the foundations would be undamaged and that some fence materials could be salvaged and used in the repair. If only the foundations could be reused, he estimated that the repair cost could increase approximately \$100.00. The second low bid cited a repair cost of \$907.00, or approximately \$59.00 per lineal foot. Again, the assumption was made that the foundations would not have to be replaced. It is staff's opinion that the assumption that the fence foundation will be undamaged and reusable is reasonable.

RECOMMENDATION: As mentioned above, staff's original recommendation of a one-time maintenance fee of \$2.25 per lineal foot was based on a repair cost of \$620.00, a design life of 50 years, a maintenance interval of 5 years and an interest rate of 2%. If a repair cost of \$907.00 is assumed and all other assumptions remain the same, the maintenance fee would increase to \$3.30 per lineal foot. While repair cost estimates are certainly important in establishing the maintenance fee, the other assumptions made in the analysis can also have a profound effect on the fee calculation. For example, if the maintenance interval is assumed to be 2½ years, the appropriate maintenance fee would increase to \$4.05 and \$6.40 per lineal foot for repair costs of \$620.00 and \$907.00, respectively.

Ownership and Maintenance of Lower Sacramento Road Fence at Towne Ranch, Southwest Quadrant
Lower Sacramento Road at Turner Road
September 1, 1993
Page 3

Since the bids for repair are only rough estimates, staff recommends that the Council examine all the assumptions made in the analysis and adopt a fee in the range of \$2.25 to \$3.30 per lineal foot. This decision should also apply to other solid block fences. If Council would still like more time to evaluate the one-time maintenance fee issue, staff recommends that a decision be made concerning the ownership of the fence, subject to the fee determination, so that the developer may proceed with the project.

FUNDING: Special Development Fee or General Fund.



Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: Robert Batch
Lodi Home Builders
Bennett & Compton
Jeff Kirst
Baumbach & Piazza
Street Superintendent

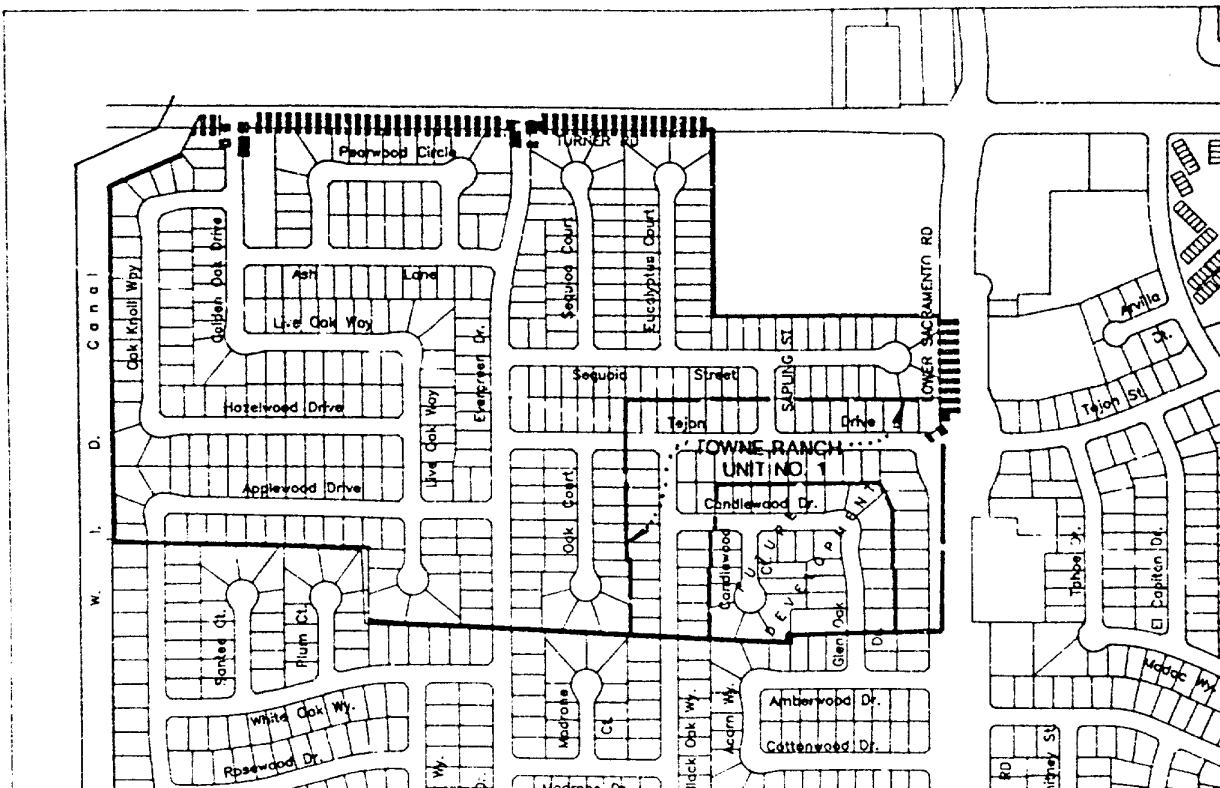


CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A

"TOWNE RANCH"

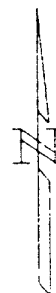


LEGEND:

----- 3'0" HIGH REVERSE FRONTAGE WALL

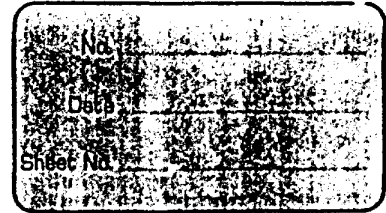
===== 7'0" HIGH REVERSE FRONTAGE WALL

N.T.S.



PROPOSAL

LAHMAN MASONRY
Lic #437411
5311 West Kile Road
Lodi, CA 95242
(209) 794-2119



Proposal Submitted To:

Name Bennett & Compton
Street P.O. Box 1597
City Lodi, CA 95241-1597
State
Phone

Work To Be Performed At:

Town Ranch
Street Lower Sacramento Rd.
City Lodi State
Date of Plans
Architect

We hereby propose to furnish the materials and perform the labor necessary for the completion of

14 Ft Long By 7 Ft High brick wall section tear down and replace

\$30.00 running foot Total \$420.00 for 14 foot section

16 Ft by 16 Ft brick Pillaster tear down and replace \$200.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars (\$).

with payments to be made as follows:

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

"NOTICE TO OWNER"

(Section 7018.5 - Contractors License Law)

Under the Mechanics' Lien Law, any contractor, subcontractor, laborer, materialman or other person who helps to improve your property and is not paid for his labor, services or material, has a right to enforce his claim against your property.

Under the law, you may protect yourself against such claims by filing, before commencing such work or improvement, an original contract for the work of improvement or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Respectfully submitted

Per

State License No 437411

Note: This proposal may be withdrawn by us if not accepted within days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date

Signature

Signature

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, [9835 Goethe Road,] Sacramento, California. [Mailing Address; P.O. Box 26000, Sacramento, California 95827.]



Sign
off

CARBONLESS
FORM 385C Cal.
Replace TOPS SOC



NO
CARBON
REQUIRED

PROPOSAL
TRIPLICATE
CALIFORNIA

PROPOSAL

GIBSON MASONRY
Lic#600608
P.O. Box 416
Clements, CA 95227

RECEIVED AUG 13 1982



Proposal Submitted To:

Name **BENNETT DEVELOPMENT**
Street **P.O. Box 1597**
City **Lodi, CA 95241-1597**
State _____
Phone _____

Work To Be Performed At:

Towne Ranch
Street **Lower Sacramento Road**
City _____ State _____
Date of Plans _____
Architect _____

We hereby propose to furnish the materials and perform the labor necessary for the completion of

Repair wall 14' section \$38.00 per running ft.
Pilaster \$375.00

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of
Dollars \$ **1**

with payments to be made as follows: _____

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by _____

Section 7018.5 - Contractors License Law
Under the Contractors' License Law, any contractor, subcontractor, laborer, independent or other person who helps to improve your property and is not paid for his labor services in advance, has a right to enforce his claim against your property.
Under the law, you may protect yourself against such claims by filing, before commencing such work or improvement, an original contract for the work of improvement or a modification thereof, in the office of the county recorder of the county where the property is situated and requiring that a contractor's payment bond be recorded in such office. Said bond shall be in an amount not less than fifty percent (50%) of the contract price and shall, in addition to any conditions for the performance of the contract, be conditioned for the payment in full of the claims of all persons furnishing labor, services, equipment or materials for the work described in said contract.

Respectfully submitted _____

Per **Gibson Masonry**

State License No. **600608**

Note—This proposal may be withdrawn by us if not accepted within _____ days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work so specified. Payment will be made as outlined above.

Signature _____

Date _____

Signature _____

Contractors are required by law to be licensed and regulated by the Contractor's State License Board. Any questions concerning a contractor may be referred to the Registrar, Contractors State License Board, [9835 Geethe Road,] Sacramento, California. [Mailing Address: P.O. Box 28000, Sacramento, California 95827.]

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY C. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX: (209) 333-6793

August 26, 1993

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

SUBJECT: Ownership and Maintenance of Lower Sacramento Road Fence at
Towne Ranch, Southwest Quadrant Lower Sacramento Road at
Turner Road


Enclosed is a copy of background information on an item that is on
the City Council agenda of Wednesday, September 1, 1993, at 7:00 p.m.
The meeting will be held in the City Council Chamber, Carnegie Forum,
305 West Pine Street.

This item is on the regular calendar for Council discussion. You are
welcome to attend.

If you wish to write to the City Council, please address your letter to
City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910.
Be sure to allow time for the mail. Or, you may hand-deliver the letter
to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to
fill out a speaker's card (available at the Carnegie Forum immediately
prior to the start of the meeting) and give it to the City Clerk. If you
have any questions about communicating with the Council, please contact
Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call
Richard Prima or Sharon Welch at (209) 333-6706.


Jack A. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

LLSRFENC/TXTW.02M



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BENNETT & COMPTON

July 13, 1993

Mr. Jack Ronsko,
Public Works Director
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

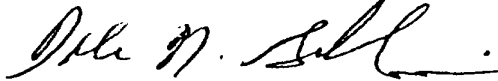
On behalf of Towne Ranch Associates, the developer of the Towne Ranch Subdivision, I would like to request that the City of Lodi assume ownership and maintenance of the reverse frontage wall to be constructed along The project border of Lower Sacramento Road. As the project develops to Turner Road we will construct the same wall. Therefore, we are asking for the City to take ownership and maintenance of the reverse frontage walls along Lower Sacramento Road and Turner Road as they are constructed.

Condition #15 of the Conditions of Approval for the Towne Ranch Unit No. 1 project state, (in part), "...The ownership of the reverse frontage fence has not been determined. Policies concerning ownership and maintenance of fences along reverse frontage or restricted access lots are currently being developed by City staff. These policies will be presented to the City Council for action in the very near future. Ownership and maintenance of the proposed fence along Lower Sacramento Road and Turner Road should be required to conform to the policies as adopted by the City Council. Unless otherwise determined by the City Council, the fence will be privately owned and maintained." It is my understanding the City Council recently approved taking ownership and maintenance of 2 other proposed reverse frontage walls, also approving the one-time collection of a \$7.00 per lineal foot maintenance fee. The wall we are proposing is an all masonry, (brick), design, which will result in much lower on-going maintenance costs as compared to the grape-stake & masonry wall design approved for other projects in the City.

Upon resolution of the ownership and maintenance issues, I would be happy to discuss the specific alignment and height of the wall to insure safe sight distances for Tejon Street and Lower Sacramento Road traffic, as well as structural engineering specifications you may require.

I have enclosed a color illustration of the wall, as well as the portion of the Conditions of Approval containing Condition #15. Please feel free to contact me should you have any questions or wish to discuss this issue.

Sincerely Yours,



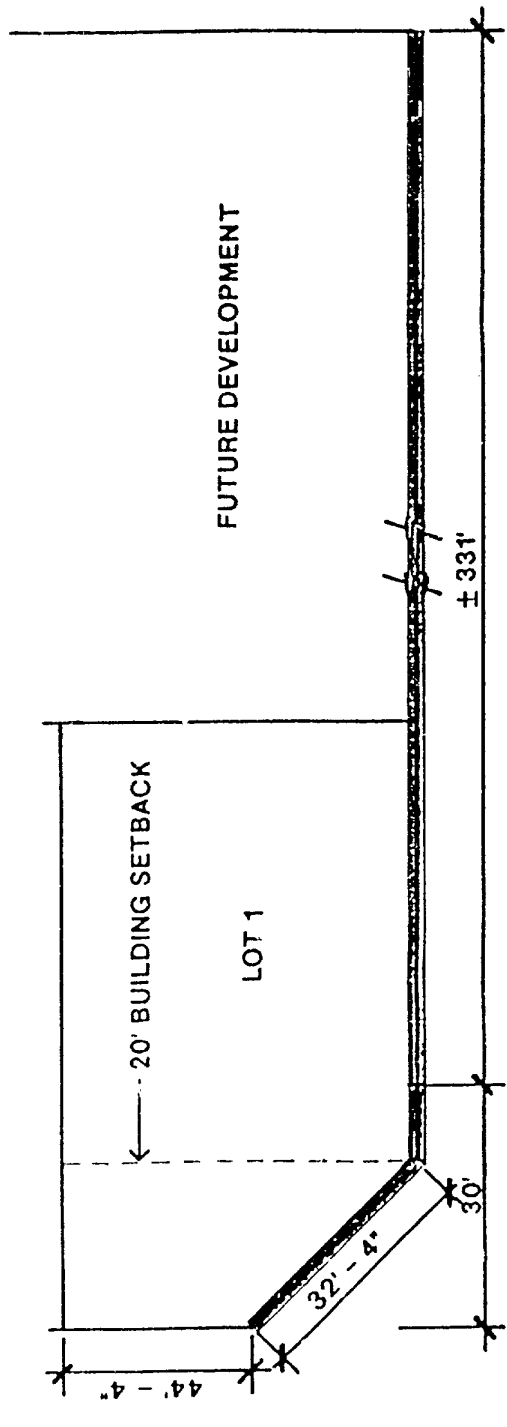
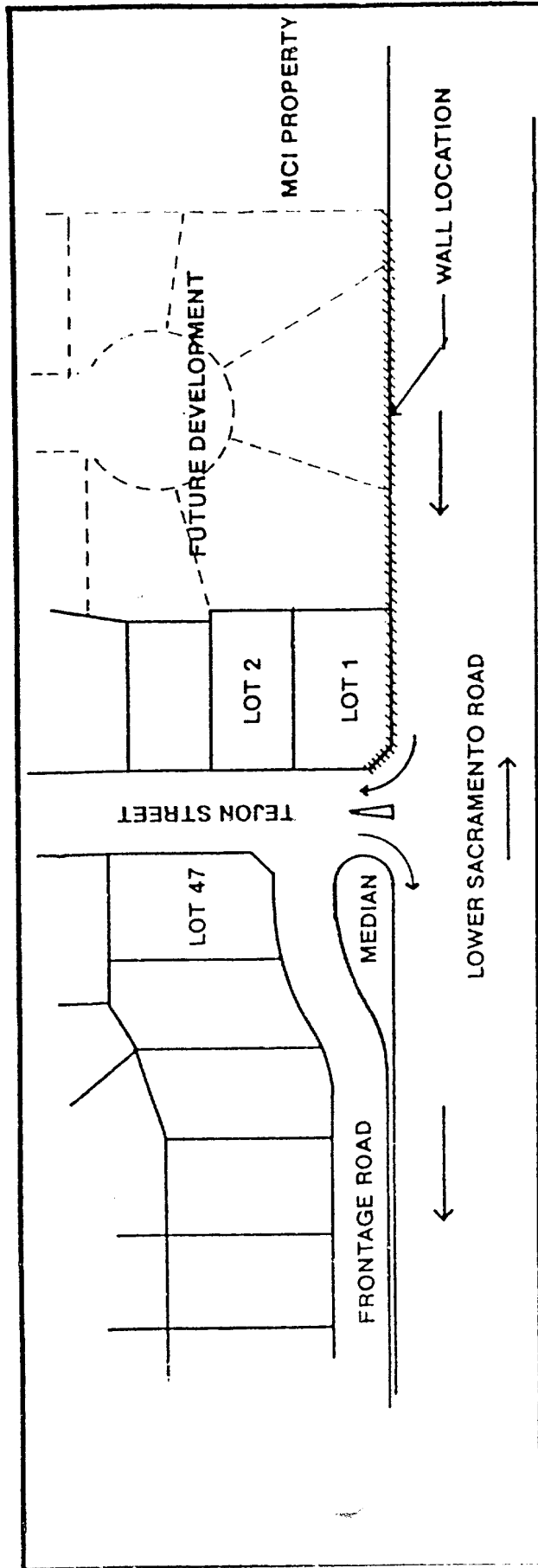
Dale N. Gillespie,
Project Coordinator

Enclosures


cc: Dennis G. Bennett, Towne Ranch Associates
Jennifer Perrin, City Clerk

P.S. Upon request, I would be happy to provide additional color illustrations of the wall design and area map for Council members review.

DNG/gnd



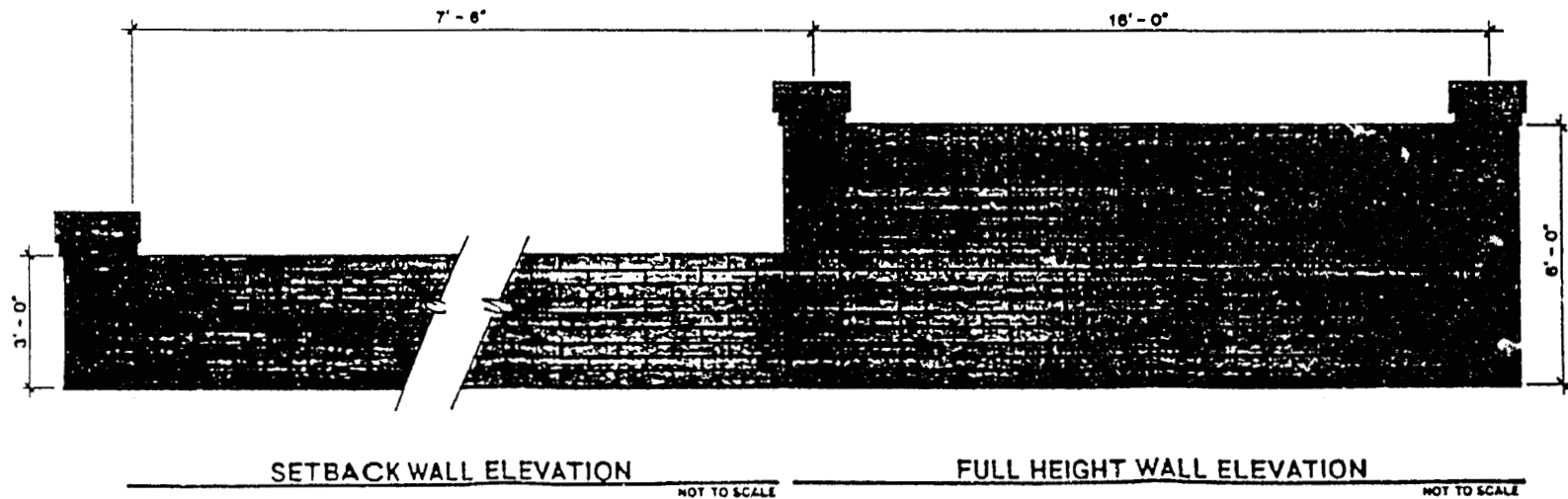
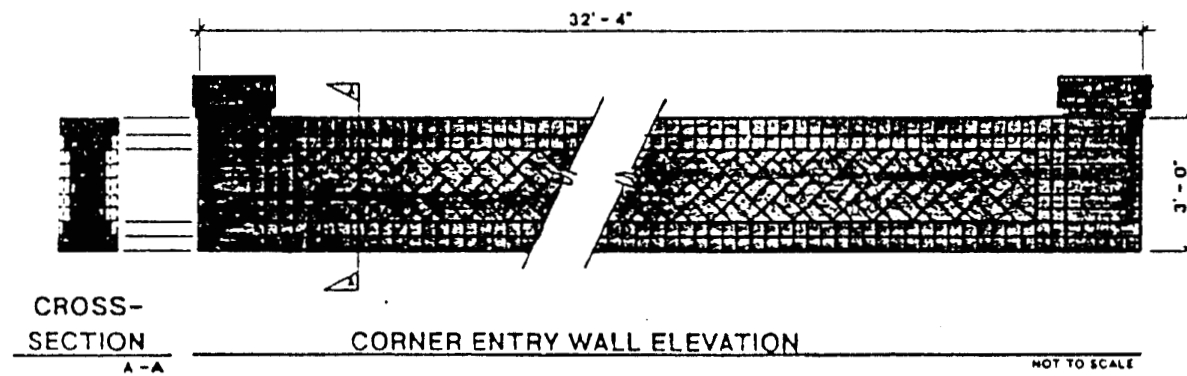
- 3' - 0" HIGH WALL
- 6' - 0" HIGH WALL

 NORTH
 NOT TO SCALE

AREA MAP

Towne Ranch Associates

TOWNE RANCH BRICK WALL



RECEIVED JUN 1 1992

41100

CITY COUNCIL

JAMES W. PINKERTON, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
DAVID M. HINCHMAN
JACK A. SIEGLOCK
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795
May 29, 1992

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHIE
City Clerk
BOB McNATT
City Attorney

Baumbach - Piazza
Attn: Steve Pechin
323 West Elm Street
Lodi, CA 95240

SUBJECT: Tentative Subdivision Map, Towne Ranch, Unit No. 1
398 East Turner Road (APN 029-030-01 and 029-030-42)
File #92S008

The Lodi Community Development Department has completed its review of your request on behalf of Bennett and Compton/Bruce Towne for the approval of the tentative subdivision map of Towne Ranch, Unit no. 1, a 21.4-acre, 107-unit residential project located on the west side of Lower Sacramento Road, north of Lodi Park West Subdivision Units 5 and 6.

At a special session of the Lodi City Planning Commission, called for 7:30 p.m., Tuesday, May 26, 1992, the Planning Commission approved the tentative map with the following conditions:

1. That sanitary sewer, domestic water, storm drainage, and electricity be connected to existing City of Lodi systems.
2. That the air quality mitigation measures outlined on the enclosed Community Development Department memorandum be met.
3. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
 - Approved tentative map, signed by the Community Development Director;
 - Detailed utility master plan for all phases of the development;
 - Soils report;
 - Grading, drainage and erosion control plan.
4. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
5. Installation of all public utilities and street improvements within the limits of the map, including installation of conduit from the water meter box to the electric meter location on each lot per Public Works Department requirements, plus the following "off-site" improvements:

11. Payment of the following:

- Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule;
- Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of map filing (fees for Police, Fire, Parks and Recreation and General City Facilities may be deferred until acceptance of public improvements);
- Wastewater connection fee at building permit issuance;
- Reimbursement fees per existing agreements (approximate) at the time of map filing:
 - 1) 86S02 \$766/AC Sanitary sewer lift station fee for acreage parallel to and 400 feet west of the existing east line of the Lower Sacramento Road right-of-way.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

12. Obtain the following permits:

- San Joaquin County well/septic abandonment permit.

13. The City will participate in the cost of the following improvements:

- Street paving on Lower Sacramento Road in excess of 34 feet measured from 55 feet west of the centerline;
- Master plan sanitary sewer lines 12 inches and larger;
- Master plan storm drains 30 inches and larger.

14. A specific plan was adopted for Lower Sacramento Road (Ordinance #847) which includes a frontage road parallel to Lower Sacramento Road from Lodi Avenue to Turner Road. The tentative map, as submitted, does not comply with the specific plan north of Tejon Street; however, upon Planning Commission approval of the map, the Public Works Department will draft a new ordinance to amend the specific plan and present it to the City Council for approval.

15. The reverse frontage fence along Lower Sacramento Road shall be constructed by the developer to the approval of the Public Works Department and the Site Plan and Architectural Review Committee. The ownership of the reverse frontage fence has not been determined. Policies concerning ownership and maintenance of fences along reverse frontage or restricted access lots are currently being developed by City staff. These policies will be presented to the City Council for action in the very near future. Ownership and maintenance of the proposed fence along Lower Sacramento Road and Turner Road should be required to conform to the policies as adopted by the City Council. Unless otherwise determined by the City Council, the fence will be privately owned and maintained.

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JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

July 13, 1993

Mr. Dale Gillespie
c/o Bennett & Compton
P.O. Box 1597
Lodi, CA 95241

Dear Mr. Gillespie:

RE: Reverse Frontage Fence
Lower Sacramento Road
Towne Ranch Subdivision

At its meeting of Monday, July 12, 1993 the Lodi City Planning Commission approved the Towne Ranch Subdivision Wall Design for the reverse frontage fence to be located along the Lower Sacramento Road frontage of the subdivision.

The Planning Commission approved the design as submitted. However, the Commission required that the fence height be increased from 6 feet to 7 feet.

Sincerely,


JAMES B. SCHROEDER
Community Development Director